



DECISIONS, NOTICES AND ORDERS

Friday, April 6, 2018

The Supreme Court of Appeals of West Virginia has taken action in the following cases. This list contains only the action taken by the Court, not the content or actual date of orders or decisions.

REHEARINGS

The Court took the following action on a petition for rehearing:

Roynal Lee Walker v. Ralph Terry, Acting Warden, No. 17-0115 (Berkeley 16-C-294)
Petition refused (5-0)

MEMORANDUM DECISIONS

In accordance with Rule 21, memorandum decisions were entered in the following cases:

State of West Virginia v. Herbert L. Shearer, No. 16-1209 (Wayne 15-F-126)
Affirmed (4-1) (Justice Davis dissenting)

Russell S. v. Ralph Terry, Acting Warden, No. 17-0043 (Preston 07-C-35)
Affirmed (5-0)

Campbell Flannery, PC, et al. v. Leon H. Wilson, et al., No. 17-0602 (Berkeley 16-C-96)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

The following case will be scheduled for Rule 19 oral argument on the date stated:

Mateo Cortez v. Linda Murray, et al., Nos. 17-0662 and 17-0942 (Wirt 15-C-28)
April 25, 2018

ORDER LIST

April 6, 2018

Page 2

RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument on the dates stated:

State ex rel. H.S. and J.S. v. Hon. J.D. Bean, Judge, et al., No. 18-0208 (Original Prohibition)
April 25, 2018

The West Virginia Investment Management Board and The West Virginia Consolidated Public Retirement Board v. The Variable Annuity Life Insurance Company, No. 17-0486
(Business Court Division – Kanawha 09-C-2104)
April 25, 2018

Charles Patrick Heaster v. Gregory L. Robinson, No. 17-0558 (Doddridge 16-C-57)
April 25, 2018

Admiral Insurance Company v. Philip Fisher, D.O., No. 17-0671 (Cabell 11-C-0826, 12-C-65)
May 9, 2018

Edward Reed v. Exel Logistics, Inc., No. 17-0864 (Workers' Compensation)
May 9, 2018

Louise Moran v. Rositi Construction Company, LLC, No. 17-0993 (Workers' Compensation)
May 9, 2018

Jill C. Barber v. Camden Clark Memorial Hospital Corp., No. 17-0643 (Wood 17-C-23)
May 15, 2018

Gary D. Bush v. State Farm Mutual Automobile Insurance Company, No. 17-0690
(Kanawha 11-C-502)
May 15, 2018

Tommy Ray Lewis, Jr. v. Municipality of Masontown, West Virginia, and the Masontown Police Department, No. 17-0618 (Preston 17-C-60)
September 19, 2018 – Marshall University

ORDERS

Orders of note were entered in the following cases:

Elm Grove Memorial Post #4442, Veterans of the Foreign Wars of the United States, Inc. v. DelDean Management, LLC, and Chris Dean, No. 17-0541 (Ohio 11-C-245)
Remanded (5-0)

Randy Michael Brodnik, D.O. and Bluefield Women's Center, PC v. Robert J. Stientjes, Anthony Gasaway, and Michael Gibson, No. 17-1107 (Mercer 12-C-386)
Motion to stay refused (5-0)

Lawyer Disciplinary Board v. Douglas H. Arbuckle, No. 17-0520 (Lawyer Disciplinary)
Law license suspended for 3 months (5-0)

ORDER LIST

April 6, 2018

Page 3

Lawyer Disciplinary Board v. James P. Carbone, No. 17-0277 (Lawyer Disciplinary)
Law license annulled (5-0)

Lawyer Disciplinary Board v. Erin K. Reisenweber, No. 17-0500 (Lawyer Disciplinary)
Reprimanded. Recommendation adopted in part. (4-1)(Justice Loughry would adopt the recommendation in its entirety.)